

Rule 1.2

**FILING OF PAPERS DISCOVERY AND DISCLOSURE NOTICES;
ASSIGNMENT OF CASES; RELATED CASES AND CONSOLIDATION;
CIVIL RICO CASES**

(a) ~~(1) **Filing Generally.** All pleadings and papers, except as indicated in (a)(2) below, shall be filed with the Clerk of the Court and shall not constitute a part of the records of the Court until so filed. If papers are left with the District Judge or Magistrate Judge for filing, they will be forwarded by the District Judge or Magistrate Judge to the Clerk in accordance with Rule 5(e) of the Federal Rules of Civil Procedure.~~

~~(2) **Filing of Discovery and Disclosure Papers**~~
Notices. ~~Unless ordered by the Court, Depositions, Interrogatories and answers thereto, Requests for Production, Inspection or Admission, and responses thereto, and Disclosures made pursuant to Rule 26(a)(1)-(3) shall not be filed with the Court, except that a A "Notice of Service" of the foregoing papers on opposing counsel shall be filed with the Court. Filing the Notice of Taking Deposition required by Rule 30(b)(1) of the Federal Rules of Civil Procedure will satisfy the requirements of filing a "Notice of Service" with respect to depositions. This Rule shall not preclude the use of discovery papers at a hearing or trial or as exhibits to motions. disclosures and discovery requests and responses listed in Rule 5(d) of the Federal Rules of Civil Procedure must be filed within a reasonable time after service of such papers.~~

(c) **Assignment of Criminal Cases.** Within each division, the criminal cases, when filed, shall be assigned equally among the District Judges of the division by the Clerk (or by

a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall be able to make a deliberate choice of a particular Judge for a particular case. The cases so assigned shall remain with the Judge to whom assigned unless otherwise ordered by the Court. With the exception of defense counsel, any officer of the court who determines that a new charge has been filed against a defendant who is under federal court supervision shall immediately notify the presiding judge before whom the new case is pending.

Where a defendant is charged with a new crime and is currently on supervised release, the new case which is pending or subsequently filed shall be assigned to the District Judge presiding over the revocation proceeding. However, if the Judge assigned the revocation proceeding is a Senior District Judge, unless otherwise ordered by that Judge, both matters shall be assigned to a District Judge drawn by automated random selection.

Rule 1.3

CUSTODY AND DISPOSITION OF EXHIBITS AND SEALED DOCUMENTS

(d) **Sealed Documents - Generally.** Unless otherwise ordered by the Court, any sealed document, paper, case file or thing in any action where final judgment or final disposition occurred in 1990 or thereafter, will be subject to the custody and disposition processes according to (e) or (f), below, as applicable.

(e) **Sealed Documents - Actions in Which No Trial Commenced.** Unless otherwise ordered by the Court, any document, paper, case file or thing filed under seal in any action for which no trial commenced shall be eligible for destruction no less than 23 years from the date of entry of final judgment or final disposition. The seal will be vacated without further action by the Court at the time of destruction.

(f) **Sealed documents - Actions in Which the Case Was Terminated During or After Trial.** Unless otherwise ordered by the Court, any document, paper, case file or thing filed under seal in any action for which a trial commenced shall be unsealed without further action by the Court 23 years from the date of entry of final judgment or final disposition, and will remain stored as a permanent record. This rule further applies to all cases consolidated pursuant to Rule 65(a), Federal Rules of Civil Procedure.

The following types of cases will be exempt from this practice:

℄ Sexual abuse cases filed pursuant to 18 U.S.C. § 3509.

℄ Juvenile cases, unless the record has been expunged.

Rule 1.4

CONDUCT IN COURTROOM AND ENVIRONS

(b) **Environs Defined.** Environs as used in this Rule means the Sandra Day O'Connor United States Courthouse in Phoenix including the entire building, parking lot and curtilage up to the edge of, but not including, the sidewalk; ~~the floors of the building occupied by the U.S. Bankruptcy Court in Phoenix; the James A. Walsh Courthouse and U.S. Court Building #2~~ the Evo A. Deconcini United States Courthouse in Tucson including the entire building, parking lot and curtilage; the second floor, basement and that portion of the third floor occupied by the ~~U.S. Probation Office~~ U. S. District Court in the United States Courthouse in Prescott; the entire first floor and that portion of the second floor occupied by the U.S. District Court and U.S. Pretrial Services in the AWD Professional Building, Flagstaff; the entire United States Courthouse in Yuma. In addition to the foregoing, environs as used in this Rule also means any other building, parking lot, and curtilage up to the edge of, but not including the sidewalk, of any United States Courthouse which is placed in use after the adoption of this Rule.

(f) ~~**Hand-held Dictating Computers; Cellular Phones; Other Equipment.**~~ With the prior permission of the Court, counsel may bring into Court an unobtrusive hand-held dictating machine for use in dictating notes or reminders during trial. It is not to be used to record any part of the proceedings. Lap-top computers may be used in the courtroom providing they emit no sound, and are not disruptive to the proceedings. Cellular phones are prohibited from use in the courtroom. Any device which emits sound disruptive to the proceedings must be turned off or set on silent mode.

Rule 1.5

ATTORNEYS

(b) **Practice in this Court.** Except as herein otherwise provided, only members of the bar of this Court shall practice in this District.

(4) Certified Students. Students certified to practice under Rule ~~1.15~~ 1.14 of these Rules may practice in this District as provided in that Rule.

~~(d) **Changes of Name, Affiliation, Address.** Any attorney who is admitted to practice and participate in an action pending in this District must advise the Clerk, in writing, if he or she has a change in name, firm, firm name, or office address. The attorney's State Bar Attorney number must appear on such notification.~~

Rule 1.7

APPEARANCE BY ATTORNEY OR PARTY; NAME AND ADDRESS
CHANGES; CONTROL OF CAUSE

(d) **Changes of Name, Affiliation, Address.** Any attorney or unrepresented party in an action pending in this District must file and serve a written notice advising if he or she has a change in name or address, or name, firm name or address if an attorney. The attorney's State Bar Attorney number must appear on such notification. The notice must be filed ten (10) days before the move becomes effective, and include all case numbers of all pending matters in which the unrepresented party or the attorney has appeared.

~~(d)~~(e) **Ex Parte Presentations; Duty to Court.** All applications to a District Judge or Magistrate Judge of this Court for *ex parte* orders shall be made by an attorney of this Court or by an individual on that individual's own behalf. In the event that any *ex parte* matter or default proceeding has been presented to any District Judge, Magistrate Judge or judicial officer and the requested relief is denied for any reason, such matter shall not be presented to any other District Judge or Magistrate Judge or judicial officer without making a full disclosure of the prior presentation. Counsel should be governed by the provisions of ER 3.3 of the Rules of Professional Conduct, Rule 42, Rules of the Supreme Court of Arizona. For a failure to comply with the provisions of this Rule, the order or judgment made on such subsequent applications may be vacated at any time as a fraud upon the Court.

~~(e)~~(f) **Criminal Cases.** No attorney, unless specifically appointed by the Court, shall be considered by the Court as the attorney of record for a defendant within a criminal case until after that attorney shall have filed with the Clerk a written appearance, giving the name and address of both the attorney

and the client. A copy of the written appearance shall be served upon the United States Attorney.

Rule 1.8

COURT CALENDAR ~~CONFLICTS~~ MANAGEMENT

(a) Non-Trial Additions/Deletions to Calendars By Counsel or Unrepresented Parties. Any additions or deletions to the Court calendars other than for trials shall require 48 hours notice unless otherwise directed or scheduled by the Court.

(~~a~~b) Notice to the Court of Conflict. Upon learning of a scheduling conflict between different courts within the District of Arizona, or between the United States District Court and the Arizona State Courts, counsel has a duty to promptly notify the Judges involved in order that the conflict may be resolved. Such notice shall be in writing, with a copy provided to all counsel and conflicted courts.

(~~b~~c) Inter-Division Conflicts. Conflicts in scheduling between divisions of this Court may be governed by local rule or general order.

(~~c~~d) Resolution of Conflicts. Upon being advised of a scheduling conflict, the Judges involved shall, if necessary, confer personally or by telephone in an effort to resolve the conflict. While neither the United States District Court nor any Arizona Court has priority in scheduling, the following factors should be considered in resolving the conflict:

- (1) The nature of the cases as civil or criminal, and the presence of any speedy trial problems;
- (2) the length, urgency, or relative importance of the matters;
- (3) a case which involves out-of-town witnesses, parties or counsel;
- (4) the age of the cases;
- (5) the matter which was set first;
- (6) any priority granted by rule or statute;

(7) any other pertinent factor.

Rule 1.9

FORMS OF PAPERS - CIVIL AND CRIMINAL

(a) **Title Page.** The following information shall be stated upon the first page of every document and may be presented for filing single-spaced¹:

(c) **Pleadings and Other Papers.**

(1) All pleadings and other papers shall be submitted on unglazed paper 8 ½ inches by 11 inches and shall be signed as provided in Rule 11 of the Federal Rules of Civil Procedure. Documents intended for filing shall be presented to the Clerk's Office without being folded or rolled and shall be kept in flat files. The body of all documents shall be typed double-spaced and shall not exceed 28 lines per page; they shall not be single-spaced except for footnotes and indented quotations. All pleadings, motions and other original papers filed with the Clerk shall be in a fixed-pitch type size no smaller than ten (10) pitch (10 letters per inch) or in a proportional font size no smaller than 13 point. The left margin shall not be less than 1 ½ inches and the right margin shall not be less than ½ inch. All documents presented for filing shall be stapled in the upper left-hand corner.

Documents which are too large for stapling should be bound with a metal prong fastener at the top, center of the document.
Documents filed by incarcerated persons are exempt from the stapling and fastening requirements.

(2) In civil cases when a party requests specific relief, except for dismissal or summary judgment pursuant to Federal Rules of Civil Procedure 12(b) or 56, the party must lodge with the Clerk a separate proposed order.

(23) Proposed orders prepared for the signature of a United States District Judge or a Magistrate Judge ~~will~~ must be prepared on a separate document containing the heading data required by subparagraphs (a)(2) and (3) above as appropriate,

and ~~shall~~ must not be included as an integral part of stipulations, motions, or other pleadings. The proposed order must not contain any information identifying the party submitting the order. The following uniform signature block ~~will~~ must be contained in the proposed order as indicated below~~+~~ (Magistrate Judges ~~would~~ should be adapted accordingly~~-~~):

DATED this _____ day of _____, 1920_____.

(Judge's Name)

United States District Judge

(h) **Corporate Disclosure Statement.** The disclosure statement required by Rule 7.1 of the Federal Rules of Civil Procedure and Rules 12(a)(1) and (2) of the Federal Rules of Criminal Procedure must be made on a form provided by the Clerk and must be supplemented if new information is obtained.

*A sample form is provided in Appendix C.

Rule 1.10

MOTIONS - CIVIL AND CRIMINAL*

(n) Motions/Requests for Extension of Time.

(1) The time prescribed for the doing of any act may be enlarged by the Court. Such order must be made before the expiration of the time prescribed, except by motion where the failure to act was the result of excusable neglect. It shall be the duty of the party moving for an extension of time, whether by motion or stipulation, to disclose the existence of all previous extensions which have been granted concerning the matter for which an extension is sought. Immediately below the title of such motion or stipulation, there shall also be included a statement indicating whether it is the first, second, third, etc. requested extension, i.e.: "STIPULATION FOR EXTENSION OF TIME TO ANSWER (Second Request)."

(2) Except in all civil actions in which a party is an unrepresented prisoner, it is the duty of the moving party to state the position of each other party in all motions for extension of time. If the moving party's efforts to determine the position of any other party are unsuccessful, a statement to that effect must be included in the motion.

(p) Motions for Reconsideration. ~~Notwithstanding the provisions of this Rule 1.10(f), no motion for reconsideration or clarification shall be set for hearing. No response to a motion for reconsideration or clarification and no reply to the response shall be filed unless ordered by the Court. If the Court is inclined to grant a motion for reconsideration, or otherwise desires a response before ruling, it shall order opposing counsel to respond.~~

(q) Motions for Leave to Amend.

(1) Form; Attachments. A party who moves for leave

to amend a pleading must attach a copy of the proposed amended pleading as an exhibit to the motion.

(2) Lodging of Original Proposed Amendments. A party who moves for leave to amend a pleading, or who otherwise seeks to amend a pleading by leave of court including by stipulation and order, must lodge with the Clerk of Court an original of the proposed amended pleading. The original must not be physically attached or made an exhibit to a motion to amend, a stipulation to amend, or any other pleading and must contain the original signature of the attorney or unrepresented party proposing the amendment. The amended pleading is not to incorporate by reference any part of the preceding pleading, including exhibits.

(3) Effective Date of Filing Amendments; Service. The entry of the order granting leave to amend the pleading constitutes the filing date of the amended pleading and the Clerk of Court shall file the lodged pleading once the order is entered. The filing date of the amended pleading always constitutes the act from which the time for service begins to run. Unless otherwise ordered by the Court, or when the amendment adds a new party, the party who amended shall serve the amended pleading within ten (10) days of the filing date of such pleading and file a certificate of service.

Rule 1.16

ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES

(a) **Criminal Cases.** All misdemeanor cases filed by indictment or information shall be assigned to a full-time Magistrate Judge ~~by automated random selection~~, who shall proceed in accordance with 18 U.S.C. §3401 and the Rule of Procedure for the Trial of Misdemeanors Before United States Magistrate Judges. Misdemeanor cases filed by indictment or information shall be assigned to a full-time Magistrate Judge by automated random selection, with the exception of cases brought before the full-time Magistrate Judges sitting in Flagstaff and in Yuma, which shall be directly assigned. All other misdemeanors, except petty offense cases processed by the Central Violations Bureau, shall be assigned to any Magistrate Judge designated by those rules to try misdemeanors. Any Magistrate Judge may act in the absence or unavailability of the assigned Magistrate Judge. If the defendant does not waive trial, judgment, and sentencing before a District Judge of the District Court and does not consent to those proceeding before the Magistrate Judge, the case shall be promptly referred to the Clerk of Court for assignment to a District Judge and the defendant shall be directed to appear before the assigned District Judge.

Rule 1.17

UNITED STATES MAGISTRATE JUDGES

(d) **Other Duties.** Subject to the Constitution and laws of the United States, the full-time Magistrate Judges in the District of Arizona shall perform the following duties:

(7) Conduct all ~~bail review~~ detention hearings and hearings to amend, modify or revoke conditions of release under the Bail ~~and~~ Reform Act 1984, other than ~~bail review~~ hearings ~~after the conviction of a defendant in felony cases after a finding of guilt and prior to imposition of sentence, or after a finding of guilt and sentence of imprisonment.~~

Notwithstanding this provision, all full-time Magistrate Judges in this district are specifically authorized to conduct detention hearings on alleged probation and supervised release violations and in all instances of alleged violation of pre-sentence release conditions, unless the assigned District Judge directs otherwise.

(32) Hold hearings and issue orders or reports and recommendations ~~as may be~~ as may be appropriate in connection with garnishment proceedings.

(33) Conduct felony guilty plea proceedings pursuant to Rule 11, Federal Rules of Criminal Procedure upon referral of such proceedings by a District Judge with the consent of the parties, or upon the filing of an information prior to assignment of a District Judge after waiver of indictment in open court before a Magistrate Judge in compliance with Rule 7(b), Federal Rules of Criminal Procedure, with the consent of the parties. The Magistrate Judge shall make findings with respect to the voluntariness of the plea and the defendant's understanding of other matters as required by Rule 11(b), Federal Rules of Criminal Procedure, the presence of a factual

basis for the plea, and shall make a recommendation whether the guilty plea should be accepted by the District Judge.

(~~33~~ 35) Perform such ~~other~~ additional duties as are not inconsistent with the Constitution and laws of the United States as may be assigned by the Court pursuant to 28 U.S.C. §636(b).

Rule 2.5
INTERROGATORIES AND REQUESTS
FOR ADMISSIONS

(a) **Form.**

~~(1) When serving interrogatories and requests for admission the propounding party shall serve upon the responding party a number of sets equal to the total number of separate counsel representations in the action, plus one (1).~~

(~~2~~1) The propounding party shall prepare interrogatories and requests for admission so that the responding party can provide his or her response in an adequate blank space.

(~~3~~2) The responding party shall complete all copies of the set served upon him or her, attach a verification and certificate of mailing, and serve one (1) ~~of such sets~~ copy of the set upon each separate counsel representation in the action.

(~~4~~3) All responses to interrogatories and requests for admission which are not completed in accordance with subparagraphs (1), and (2), ~~and (3)~~ above, shall restate the interrogatory or request for admission immediately before stating the responses.

Rule 2.7

STIPULATIONS OF COUNSEL

(a) ~~Written and Signed.~~ ~~Stipulations of counsel relating to the business of the Court, except such stipulations made in open court as are noted by the Clerk upon the minutes or by the court reporter upon his or her notes, shall be written and signed.~~ Generally. No agreement between parties or attorneys is binding, if disputed, unless it is in writing signed by the attorney of record or by the unrepresented party, or made orally in open court and on the record; provided, however, that in the interests of justice the Court shall have the discretion to reject any such agreement.

~~(b) Approval by the Court.~~ ~~No stipulation between the parties relating to proceedings before the Court shall be effective until approved by the Court. Except to prevent manifest injustice, the Court will refuse to consider parole evidence of any stipulation not made in open court or in pretrial conference.~~

(c b) **Extensions of Time for Discovery.** Pursuant to the provisions of Rule 29, Federal Rules of Civil Procedure, all stipulations submitted to the Court for an order to extend time provided in Rules 33, 34 and 36, Federal Rules of Civil Procedure, for responses to discovery, shall set forth the reasons for such stipulation, including a statement as to whether or not a time for completion of discovery has been ordered by the Court.

(d c) **Stipulations to Extend Time.** Any stipulation for an extension of time is subject to the requirements prescribed in Rule 1.10(n) Motions/Requests for Extension of Time, of these Rules.

Rule 2.23

REMOVAL TO FEDERAL COURT

A defendant or defendants desiring to remove any civil action or criminal prosecution from a state court shall file with the Clerk of Court a Notice of Removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. The notice will also contain an affirmative statement that a copy of the notice has been filed with the State Court Clerk. The party seeking the removal shall file with the district court all pleadings filed by all parties with the state court prior to the notice of removal. In addition, to the civil cover sheet, AO Form JS-44, the removing party shall submit a "Supplemental Civil Cover Sheet for Cases Removed from Another Jurisdiction," to accompany each Notice of Removal.

~~Rule 4.1~~

~~ADDITIONS/DELETIONS TO CALENDARS~~

~~Any additions or deletions to the Court calendars requiring or ordering a prisoner in custody whose presence is required shall require 48 hours notice unless otherwise directed by the Court.~~

Rule 4.5

PRETRIAL SERVICES

Pursuant to the Pretrial Services Act of 1982 (18 U.S.C. §3152-3155), the Court establishes an independent Pretrial Services Office for the District of Arizona.

Upon notification that a defendant has been arrested, pretrial service officers will conduct a prerelease interview as soon as practicable. The judicial officer setting bail or reviewing a bail determination shall receive and consider all reports submitted by pretrial service officers.

~~Pretrial service reports shall be made available to the attorneys for the accused, and the attorneys for the Government~~
A copy of the pretrial service report shall be provided to the attorneys for the accused and the Government, and shall be used only for the purpose of fixing conditions of release, including bail determinations. When a copy is provided, the pretrial service office will advise the attorneys by cover letter or form that (a) the report is not to be copied, (b) the report is not a public record, and (c) that the content may not be disclosed to unauthorized individuals. Otherwise, the reports shall remain confidential, as provided in 18 U.S.C. §3153, subject to the expectations provided therein.

Pretrial service officers shall supervise persons released on bail at the discretion of the judicial officer granting the release or modifications of the release.

RULE 4.8

PROBATION - PRESENTENCE INVESTIGATIONS

(e) Preparation and Use of Presentence Reports.

~~(2) The Probation Office presentence report, exclusive of any recommendation as to sentence, shall be released to the Court, defendant's counsel and the U.S. Attorney not less than 35 days before the sentencing hearing unless the defendant waives this minimum period. The recommendation as to sentence will be disclosed only to the District Judge or Magistrate Judge who is sentencing the defendant unless otherwise authorized by the District Judge or Magistrate Judge. The initial disclosure of the presentence report to counsel and pro se defendant under Rule 32(e) of the Federal Rules of Criminal Procedure must not include the Probation Officer's recommendation on the sentence. The subsequent submission of the presentence report to the Court and the parties under Rule 32(g) of the Federal Rules of Criminal Procedure must include the Probation Officer's recommendation on the sentence, unless the Court directs the Probation Officer not to disclose the recommendation.~~

APPENDIXES

APPENDIX C. RULE 1.9 - FORM*

(Attorney's Name)[†]
(Attorney's Address)
State Bar No. 012345
(Attorney's Telephone Number)
Attorney for Plaintiffs Doe

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

John Doe and Jane Doe, husband No. CV-03-1-PHX-ROS

_____)

and wife,)

_____)

Plaintiff,)

_____)

vs.)

_____)

ABC Corporation, a Delaware)

corporation,)

_____)

Defendant.)

_____)

FIRST AMENDED COMPLAINT

DATED this _____ day of _____, 20____.

(Attorney's Name)

Attorney for Plaintiffs Doe[‡]

*This form is intended for illustrative purposes only.

†A proposed order must not contain any information identifying the party
submitting the order.

‡ The name and title of the Judge assigned to the matter should be adapted
accordingly when submitting a proposed order.